

FW: Trade corridor

From: "Paravan, Dora" <dora.paravan@tc.gc.ca>
To: "Brackenridge, Jimmy" <jimmy.brackenridge@tc.gc.ca>, "Brisebois, Véronique" <veronique.brisebois@tc.gc.ca>
Cc: "Rodrigues Moniz, Sabrina" <sabrina.rodriguesmoniz@tc.gc.ca>
Date: Thu, 10 Feb 2022 15:29:44 +0000

UNCLASSIFIED / NON CLASSIFIÉ

Jimmy / Vero

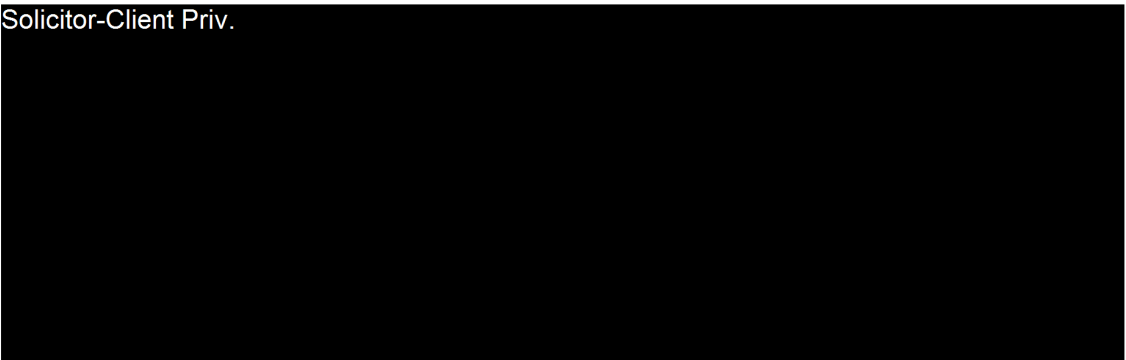
Pour votre information.

Merci

Dora

From: Daigle, Francois (DM/SM) <Francois.Daigle@justice.gc.ca>
Sent: Thursday, February 10, 2022 10:24 AM
To: Stewart, Rob <Rob.Stewart@ps-sp.gc.ca>
Cc: Ossowski, John <John.Ossowski@cbsa-asfc.gc.ca>; Keenan, Michael <michael.keenan@tc.gc.ca>; Vinette, Denis R. <Denis.Vinette@cbsa-asfc.gc.ca>; Gaspar, Fred <Fred.Gaspar@cbsa-asfc.gc.ca>; Millar, Scott <Scott.Millar@cbsa-asfc.gc.ca>; Gallivan, Ted <Ted.Gallivan@cbsa-asfc.gc.ca>; Jody.Thomas@pco-bcp.gc.ca; Drouin, Nathalie G <Nathalie.G.Drouin@pco-bcp.gc.ca>; Michael Vandergrift (Michael.vandergrift@pco-bcp.gc.ca) <michael.vandergrift@pco-bcp.gc.ca>; Thangaraj, Arun <Arun.Thangaraj@tc.gc.ca>
Subject: Re: Trade corridor

Solicitor-Client Priv.



On Feb 10, 2022, at 10:08 AM, Stewart, Rob <Rob.Stewart@ps-sp.gc.ca> wrote:

Solicitor-Client Priv.



Rob Stewart
Deputy Minister / Sous-ministre

Public Safety / Sécurité publique
269 Laurier Ave West
Ottawa, Ontario, Canada K1A 0P8
613-991-2895
rob.stewart@ps-sp.gc.ca
Note: this email account is monitored

From: Ossowski, John <John.Ossowski@cbsa-asfc.gc.ca>
Sent: Thursday, February 10, 2022 10:06 AM
To: Keenan, Michael <michael.keenan@tc.gc.ca>
Cc: Vinette, Denis R. <Denis.Vinette@cbsa-asfc.gc.ca>; Gaspar, Fred <Fred.Gaspar@cbsa-asfc.gc.ca>; Millar, Scott <Scott.Millar@cbsa-asfc.gc.ca>; Gallivan, Ted <Ted.Gallivan@cbsa-asfc.gc.ca>; Daigle, Francois (Ext) <francois.daigle@justice.gc.ca>; Jody.Thomas@pco-bcp.gc.ca; Drouin, Nathalie G <Nathalie.G.Drouin@pco-bcp.gc.ca>; Michael Vandergrift (Michael.vandergrift@pco-bcp.gc.ca) <michael.vandergrift@pco-bcp.gc.ca>; Stewart, Rob <Rob.Stewart@PS-SP.GC.CA>; Thangaraj, Arun <Arun.Thangaraj@tc.gc.ca>
Subject: Re: Trade corridor

Agree with Mike

Sent from my iPhone

On Feb 10, 2022, at 9:48 AM, Keenan, Michael <michael.keenan@tc.gc.ca> wrote:

PROTECTED B / PROTÉGÉ B

Looping in Rob.....

From: Keenan, Michael
Sent: Thursday, February 10, 2022 9:47 AM
To: Ossowski, John <John.Ossowski@cbsa-asfc.gc.ca>; Vinette, Denis R. <Denis.Vinette@cbsa-asfc.gc.ca>; Gaspar, Fred <Fred.Gaspar@cbsa-asfc.gc.ca>; Millar, Scott <Scott.Millar@cbsa-asfc.gc.ca>; Gallivan, Ted <Ted.Gallivan@cbsa-asfc.gc.ca>; Daigle, Francois (Ext) <francois.daigle@justice.gc.ca>; Jody Thomas <jody.thomas@pco-bcp.gc.ca>; Drouin, Nathalie G <Nathalie.G.Drouin@pco-bcp.gc.ca>; Michael Vandergrift (Michael.vandergrift@pco-bcp.gc.ca) <michael.vandergrift@pco-bcp.gc.ca>
Subject: RE: Trade corridor

PROTECTED B / PROTÉGÉ B

A few points on this, as the question of “declare trade corridor” to bring additional federal authorities to bear.

First, there is no specific “trade Corridor” federal authority I know of. The only specific critical infrastructure or trade corridor authority I know of that would apply is in Alberta through their Critical Infrastructure Defence Act. It considers trade corridors critical infrastructure, and brings to bear heavy penalties of up to 10K per day per person. This is

obviously not available outside Alta. But other provinces like Ontario could probably impose something like this through orders under their Emergency Act.

Second, the critical gap is actual enforcement action by local/provincial authorities, not legal authorities to enforce. Despite the chaos at Coutts for many days, there have been no charges under the Alberta Infrastructure Act to my knowledge., despite the power of that legislation.

Third, the Ontario Minister of Transportation continued to suggest the feds have full authority to manage international crossings, but this purposefully confuses authorities between governments. On the Ambassador Bridge itself we have federal authorities under:

- The Customs Act (CBSA)
- The International Bridges and Tunnels Act (ITBTA)

The Bridges and Tunnels Act has some authorities but they do not directly bring any authorities to bear on the blockade on the blockade. The Act gives us the authority to act when there is a clear nexus of safety and security related to the bridge itself, the ramps and the plaza. IE three years ago we almost shut down the bridge due to concerns about structural integrity. The problem is a lack of traffic getting to the Bridge because of a blockade on the streets of Windsor does not invoke the Act in any meaningful way. So this authority May be helpful at some point – say if the blockade moved onto the bridge and they start fires.

But at this time all the authorities remain criminal code, Highway Traffic Act and Police of Local Jurisdiction.

Fourth and most importantly, there may be a way an innovative way to leverage “critical trade corridors”. We could request Ontario immediately use its Emergency Act to impose orders and penalties akin to Alberta’s Critical Infrastructure Defence Act (and include forfeiture of vehicles licenses etc).

We can further suggest quietly to Ontario truly wants us to invoke federal authority to manage this crisis they need to declare an emergency they cannot manage so we can thereby invoke the federal Emergencies Act to manage he blockades. IE turn their request to use federal authority into a poison pill based on the fundamental reality of legal authorities. I realize this is provocative, but it may be helpful to outline to Ontario the only realistic way to invoke federal authority on the streets of Ontario. May induce them to back away from this logic.

Welcome the wise counsel of Francois Rob and John on the above.

Michael

From: Ossowski, John <John.Ossowski@cbsa-asfc.gc.ca>
Sent: Thursday, February 10, 2022 8:37 AM
To: Keenan, Michael <michael.keenan@tc.gc.ca>; Vinette, Denis R. <Denis.Vinette@cbsa-asfc.gc.ca>; Gaspar, Fred <Fred.Gaspar@cbsa-asfc.gc.ca>; Millar, Scott <Scott.Millar@cbsa-asfc.gc.ca>; Gallivan, Ted <Ted.Gallivan@cbsa-asfc.gc.ca>
Subject: Fwd: Trade corridor

Thoughts ?

Sent from my iPhone

Begin forwarded message:

From: "Drouin, Nathalie G" <Nathalie.G.Drouin@pco-bcp.gc.ca>
Date: February 10, 2022 at 8:33:00 AM EST
To: "Daigle, Francois (Ext)" <francois.daigle@justice.gc.ca>, "Ossowski, John" <John.Ossowski@cbsa-asfc.gc.ca>
Cc: "Thomas, Jody" <Jody.Thomas@pco-bcp.gc.ca>, "Fee, Stuart" <Stuart.Fee@pco-bcp.gc.ca>, "van Dieen, Jodie" <Jodie.vanDieen@pco-bcp.gc.ca>
Subject: Trade corridor

Good morning,

As you know we are looking at different options to get jurisdiction. One of the question I received is: Can we declare the region of the Ambassador bridge a trade corridor and then get jurisdiction?

Envoyé de mon iPhone